GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the workmen and the management of Faiz Beedi Factory, Ranebennur.

Award of the Labour Court, Hubli Published.

Read the following Papers :—

1. Letter No. 1247/67-68 dated 25th August 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli,

IN THE LABOUR COURT AT HUBLI.

Dated 25th August, 1967.

Reference (ID) (LCH) No. 46 of 1967.

Present :

Sri Syed Azizuddin Ahmed, M.A., B.L.,

Between :

Sri Mohammed Hussainsab Jamalsab Halageri, Major, resident of Ranebennur Town, Goudar Oni, For—Ranebennur.
... ***First Party.***

and

The Management of Faiz Beedi Factory, Ranebennur.
... ***Second Party.***

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their order No LMA 355 LLD 67, dated 15th June 1967. The points of dispute referred for adjudication are as under :

1. Are the Management of Faiz Beedi Factory, Ranebennur justified in terminating the services of

Sri Mohammed Hussinsab Jamalsab with effect from 29th October 1965 ?

2. If not, is the worker entitled for reinstatement with back wages or to any other relief ?

2 The aggrieved workman Sri Mohammed Hussainsab Jamalsab Halageri has raised this industrial dispute. In response to the notices issued by this Court, the aggrieved workman filed his claim statement dated 3rd July 1967 and the II Party its counter statement dated 14th July 1967. The sum and substance of the claim statement is that he was an employee in the Faiz Beedi Factory since 1955. He was forced to leave the job from 5th November 1966 as the management did not provide him any work. His services were not validly terminated according to law. As he has served the II Party management for more than 12 years he is entitled to receive Rs. 12,000 as compensation in case they are not willing to take him back in service.

3. Sri V. N. Apte, Legal Remembrancer and Public Relations Officer of the Employers Association of India, Hubli appeared for the management. The case of the management is that the workman has left the service of the II Party of his own accord. He is not entitled for reinstatement with back wages or any other relief. It took up a further plea that the establishment of the II Party has been registered under the Mysore Shop and Commercial Establishments Act and as such, the Industrial Disputes Act is not applicable to it. The points of dispute specified in the order of reference was adopted as issue in the case. The II Party examined Haider Alikhan, M. W. 1 partner of the II Party the witness deposed that the aggrieved workman was working as Accounts Clerk. He took his salary on 25th October 1965 and went away. Earlier he had asked the management to increase his salary. This was not conceded. Thereupon he had stated that he would not serve the management any more and that the management may engage some-one else. It was not correct to say that the management had terminated the service of the aggrieved workman. The witness referred to Exs. M-1 to M-7.

4. In rebuttal, Mohammed Hussainsab, the aggrieved workman stepped into the witness box. During the course of his cross-examination he deposed that the management had varbally told him that they had removed him his from service and that he should go away. He admitted that he used to

ask the management to increase his pay. The management had replied that they would see to it. He admitted his application Ex. M-1 to the Labour Inspector, Haveri. Ex. M-3 is his lawyer's notice, M-5, balance-sheet is in his hand-writing and Ex. M-6 was given by him to the Assistant Labour Commissioner.

FINDINGS

5. The point for decision is simple one. The quettion is whether the management had terminated the service of the aggrieved workman or whether he had voluntarily given up the services of the management. The witnesses may lie but the documents cannot. I have before me Ex. M-1, an application made by the aggrieved workman to the Labour Inspector, Haveri. In his application he admits in clear terms that he had left the job of the II Party when they had not agreed to increase his wages. I shall reproduce an excerpt from Ex. M-1. It reads thus :

''ಸದರ ಕಾರಖಾನೆಯವರು ನನಗೆ ಈಗಿನ ತುಟ್ಟಿ ಕಠಿಣ ಕಾಲದಲ್ಲಿ ಆಹಾರ ಧಾನ್ಯ ಬಹಳ ಭಯಂಕರ ಯೇರಿದ್ದು ಆ ಪ್ರಕಾರ ನನಗೆ ಪಗಾರ ಸ್ವಲ್ಪ ಹೆಚ್ಚು ಮಾಡಬೇಕಂತಾ ಕಾರಖಾನೆಯ ಮಾಲೀಕರಿಗೆ ವಿನಂತಿ ಮಾಡಿಕೊಂಡರೂ ಸಹ ದಾದು ಮಾಡಿದ್ದರಿಂದ ನನ್ 1965 ನೇ ನವಂಬರ್ 5ನೇ ತಾರೀಖಿಗೆ ನಾನು ಕಾರಖಾನೆ ಬಿಟ್ಟೆನು. ಅವರು ಈ ವರೆಗೂ ಪಗಾರ ಹೆಚ್ಚು ಮಾಡುತೇವೆ ಅಂತಾ ಮತ್ತು ಕೆಲ್ಸಕ್ಕೆ ಹಾಜರು ಆಗಬೇಕಂತಾ ತಿಳಿಸಲಿಲ್ಲ. ಆ ಕಾರಣ ನಾನು ಸಹ ಕೆಲಸಕ್ಕೆ ಸದರ ತಾರೀಖಿನಿಂದಾ ಈ ವರೆಗೂ ಹಾಜರ ಆಗಲಿಲ. ಅವರು ನಾನು ಕೇವಲ ಪಗಾರ ಸ್ವಲ್ಪ ಮುಟ್ಟಿಗೆ ಹೆಚ್ಚಿಸಿರಿ ಅಂತಾ ಕೇಳಿದ್ದಕ್ಕೆ ನನ್ನ ಮಾಗಣಿ ಧಿಕ್ಕಾರ ಮಾಡಿ ನನಗೆ ಕೆಲ್ಸಕ್ಕೆ ಕರಿಯುವ ಮನಸ್ಸು ಅಜೀಬಾತ ಇಲ್ಲದ್ದರಿಂದ ಅವರ ಕಾರಖಾನೆಯಲ್ಲ ನನಗೆ ದುಡಿಯುವ ಮನಸ್ಸಿಲ್ಲ.''

His sworn statement in the Court is a bundle of lies. From the material on record it is found that after he had voluntarily left the services of the company he realised his folly. Now he wants to make out the case that the management had terminated his services It stands to reason that when the management had not conceded to his request to increase his salary, he left the job by himself. There is no substance in the stand that because the establishment is governed by the Shops and Commercial Establishment Act it is not covered by the Industrial Disputes Act, 1947. On the basis of the oral and documentary evidence, the issue is decided in favour of the management.

AWARD

Sri Mohammed Hussainsab Jamalsab Halageri having voluntarily left the service of the II Party management, is not entitled for reinstatement with back wages or to any other relief. No order as to costs.

Place.—Hubli

Dated.—25-8-1967

SYED AZIZUDDIN AHMED,
Presiding Officer, Labour Court, Hubli.

ANNEXURE

Reference (ID) (LCH) No. 46/67.

Witnesses examined for I Party

W.W.–1 Mohammed Hussainsab Jamalsab

Witnesses examined for II Party

M.W.–1 Hyder Alikhan, Abdul Jabbarkhan Irani

Documents examined for I Party

Nil

Documents examined for II Party

Exhibits:

M–1 Certified copy of application of W.W. 1 to the Labour Inspector, Haveri dated 25th January 1966

M–2 Copy of objection to the above by II Pary, dated 18th March 1966

M–3 Notice of advocate on behalf of I Party to II Party dated 8th March 1966

M–4 Copy of reply dated 17th March 1966 by II Party to Ex. M–3

M–5 Balance sheet for the year 1963-64

M–6 Copy of application dated nil of the I Party to Assistant Labour Commissioner

M-7 Khata and Kirds of the II Party for 1963-64 and 1964-65 maintained by I Party

M-8 Copy of application dated 18th August 1966 from II Party to the A. L. C., Hubli

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Place: Hubli
Dated: 25–8–1967.

ORDER.

Bangalore, dated 31st August 1967.

S. O. 1732.—WHEREAS by State Government Order No. LMA 355 LLD 67 dated 15th June 1967, the Industrial Dispute between the workmen and the Management of Faiz Beedi Factory, Ranebennur was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 355 LLD 67.]

By Order and in the name of the Governor of Mysore,

1006 G. G. PUROHIT, *Under Secy.*